

DANIEL E. LUNGREN, Attorney General  
of the State of California  
GLORIA A. BARRIOS,  
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CALIFORNIA DEPARTMENT OF JUSTICE  
300 South Spring Street  
Los Angeles, CA 90013-1233  
Telephone: (213) 897-8854

Attorneys for Complainant

**BEFORE THE  
DIVISION OF MEDICAL QUALITY  
MEDICAL BOARD OF CALIFORNIA  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA**

In the Matter of the Accusation  
Against:

KEVIN GOHAR, M.D.  
3650 E. South St., #101  
Lakewood, CA 90712

Physician and Surgeon Certificate  
No. A-42317

Respondent.

Case No. 09-94-35531

OAH No. L-9512163

**STIPULATION PENDING  
RESOLUTION OF INSTANT  
CASE**

**IT IS HEREBY STIPULATED AND AGREED** by and between the  
parties to the above-entitled proceedings that the following  
matters are true:

1. An Accusation in Case No. 09-94-35531 was filed  
with the Division of Medical Quality, of the Medical Board of  
California, Department of Consumer Affairs (the "Division") on  
December 5, 1995. A First Supplemental Accusation was filed on  
October 21, 1997, and is currently pending against Kevin Gohar,  
M.D. (the "respondent").

/ / /

1           2.    The Accusation and First Supplemental Accusation,  
2 together with all statutorily required documents, was duly served  
3 on respondent. A copy of the Accusation and First Supplemental  
4 Accusation in Case No. 09-94-35531 is attached as Exhibit "A" and  
5 hereby incorporated by reference as if fully set forth.

6           3.    The Complainant, Ron Joseph, is the Executive  
7 Director of the Medical Board of California and brought this  
8 action solely in his official capacity. The Complainant is  
9 represented by the Attorney General of California, Daniel E.  
10 Lungren, by and through Deputy Attorney General Gloria A.  
11 Barrios.

12           4.    The respondent is represented in this matter by  
13 Frank Albino, Esq., of Parker, Milliken, Clark, O'Hara &  
14 Samuelian whose address is 333 South Hope St., 27th Floor, Los  
15 Angeles, California 90071.

16           5.    The respondent and his attorney have fully  
17 discussed the charges contained in the First Supplemental  
18 Accusation in Case No. 09-94-35531 and respondent has been fully  
19 advised regarding his legal rights and the effects of this  
20 stipulation.

21           6.    At all times relevant herein, respondent has been  
22 licensed by the Medical Board of California under Physician and  
23 Surgeon Certificate No. A-42317.

24           7.    Respondent understands the nature of the charges  
25 alleged in the First Supplemental Accusation and that, if proven  
26 at hearing, the charges and allegations would constitute cause  
27 for imposing discipline upon his Physician and Surgeon

Certificate. Respondent is fully aware of his right to a hearing on the charges contained in the First Supplemental Accusation, his right to confront and cross-examine witnesses against him, his right to the use of subpoenas to compel the attendance of witnesses and the production of documents in both defense and mitigation of the charges, his right to reconsideration, appeal and any and all other rights accorded by the California Administrative Procedure Act and other applicable laws.

8. Respondent agrees to be bound by the Stipulation as set forth below until the First Supplemental Accusation and/or any future Accusation and/or Petition for Interim Suspension Order in Case No. 09-94-35531 is hereby resolved in September, 1998.

9. Based on the foregoing stipulated matters, the parties agree that the Division shall, without further notice or formal proceeding, issue and enter into the following Stipulation:

## STIPULATION

IT IS HEREBY STIPULATED that Kevin Gohar, M.D., will restrict his practice of medicine in the State of California until any Petition and/or Accusation in Case No. 09-94-35531 is hereby resolved.

Respondent shall not:

- (a) Perform any surgery or invasive procedure;
- (b) Attempt to apply for any hospital privileges at any location in this state which is maintained for the practice of medicine;
- (c) Obey all rules and laws of the state;

1 (d) Understands that the Board will proceed with its  
2 investigation and disciplinary proceedings in Case No.  
3 09-94-35531.

4 Respondent shall:

5 (a) Enroll in the PACE program by September, 1998 and  
6 satisfactorily complete soon thereafter.

7 In return the Board agrees not to seek an Interim  
8 Suspension Order until September, 1998 unless respondent violates  
9 this agreement.

10 **ACCEPTANCE**

11 I have read the above Stipulation. I have fully  
12 discussed the terms and conditions and other matters contained  
13 therein with my attorney, Frank Albino. I enter this stipulation  
14 freely, knowingly, intelligently and voluntarily.

15 DATED: 3-6-98.

16  
17 Kevin Gohar, M.D.  
18 **KEVIN GOHAR, M.D.,**  
19 Respondent

20 I have read the above Stipulation and approve of it as  
21 to form and content. I have fully discussed the terms and  
22 conditions and other matters therein with respondent Kevin Gohar,  
23 M.D.

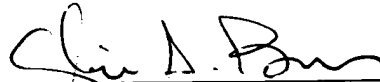
24 DATED: 3/6/98.

25  
26 Frank Albino  
27 **FRANK ALBINO**  
Attorney for Respondent

1 I hereby agree to foregoing Stipulation.

2 DATED: March 6, 1968.

3 DANIEL E. LUNGREN, Attorney General  
4 of the State of California

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6 GLORIA A. BARRIOS  
7 Deputy Attorney General

8 Attorneys for Complainant  
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DANIEL E. LUNGREN, Attorney General  
of the State of California  
GLORIA A. BARRIOS,  
Deputy Attorney General  
California Department of Justice  
300 South Spring Street, Suite 5212  
Los Angeles, California 90013-1204  
Telephone: (213) 897-2534

Attorneys for Complainant

BEFORE THE  
DIVISION OF MEDICAL QUALITY  
MEDICAL BOARD OF CALIFORNIA  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

In the Matter of the Accusation	)	NO. 09-94-35531
Against:	)	
KEVIN GOHAR, M.D.,	)	A C C U S A T I O N
3650 East South Street	)	
Suite No. 101	)	
Lakewood, California 90712	)	
Physician and Surgeon Certificate	)	
No. A42317,	)	
Respondent. _	)	

The Complainant alleges:

PARTIES

1. Complainant, Ron Joseph, is the Executive Director of the Medical Board of California (hereinafter the "Board") and brings this accusation solely in his official capacity.

2. On or about December 2, 1985, Physician and Surgeon Certificate No. A42317 was issued by the Board to KEVIN GOHAR, M.D. (hereinafter "respondent"), and at all times relevant to the charges brought herein, this license has been in full

1 force and effect. Unless renewed, it will expire on December 31,  
2 1995. Respondent is the supervisor of a physician assistant.  
3 His physician assistant supervisor license No. SA 14961 is  
4 delinquent with an expiration date of February 28, 1995.

5 JURISDICTION

6 3. This accusation is brought before the Division of  
7 Medical Quality of the Medical Board of California, Department of  
8 Consumer Affairs (hereinafter the "Division"), under the  
9 authority of the following sections of the California Business  
10 and Professions Code (hereinafter "Code"):

11 A. Section 2227 provides that the Board may revoke,  
12 suspend for a period not to exceed one year, or place on  
13 probation, the license of any licensee who has been found  
14 guilty under the Medical Practice Act.

15 B. Section 2234 provides that unprofessional conduct  
16 includes, but is not limited to, the following:

17 "(c) Repeated negligent acts.

18 (d) Incompetence."

19 C. Section 125.3 provides, in part, that the Board  
20 may request the administrative law judge to direct any  
21 licensee found to have committed a violation or  
22 violations of the licensing act, to pay the Board a sum  
23 not to exceed the reasonable costs of the investigation  
24 and enforcement of the case.

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1 FIRST CAUSE OF ACTION

2 ( Negligence)

3 4. Respondent KEVIN GOHAR, M.D., is subject to  
4 disciplinary action under section 2234, subdivision (c) of the  
5 Business and Professions Code in that respondent performed spinal  
6 surgery on a patient in a manner below the standard of care. The  
7 circumstances are as follows:

8 A. PATIENT B.M.

9 1. On or about October 1, 1990, respondent  
10 performed a laminectomy (removal of all or part of the  
11 bony arch of a spinal vertebra) on patient B.M. at Long  
12 Beach Memorial Hospital (Hospital).

13 2. Respondent failed to employ standard  
14 procedures to control bleeding.

15 3. Respondent caused patient B.M. to lose  
16 an excessive amounts of blood.

17 4. Respondent failed to visualize the pathology  
18 of a suspected nerve root tumor.

19 5. Respondent failed to perform a biopsy on a  
20 suspected nerve root tumor.

21 SECOND CAUSE OF ACTION

22 (Incompetence)

23 5. Respondent KEVIN GOHAR, M.D., is subject to  
24 disciplinary action under section 2234 (d) of the Business and  
25 Professions Code in that respondent performed spinal surgery on a  
26 patient in a manner indicating his incompetence and a lack of  
27 knowledge. The circumstances are as follows:



1                   A.    PATIENT W.M.

2                   1.    On or about April 7, 1992, respondent  
3 performed a laminectomy and a discectomy at L4-5, and a  
4 laminotomy (surgical cutting into the backbone to  
5 obtain access to the spinal cord) and partial  
6 facetectomy and partial foramenectomy L5-S1 on patient  
7 W.M. at the Hospital.

8                   2.    Another physician needed to intervene in the  
9 surgery to be sure the disc extrusion was found and  
10 adequately decompressed.

11                  3.    Respondent failed to see the abnormality and  
12 remove it.

13                                   PRAYER

14                  **WHEREFORE**, the complainant requests that a hearing be  
15 held on the matters herein alleged, and that following the  
16 hearing, the Division issue a decision:

17                  1.    Revoking or suspending Physician and Surgeon's  
18 Certificate Number A42317, heretofore issued to respondent KEVIN  
19 GOHAR, M.D.;

20                  2.    Revoking, suspending or denying approval of the  
21 respondent's authority to supervise physician's assistants,  
22 pursuant to Business and Professions Code section 3527;

23                  3.    Ordering respondent to pay the Division the actual  
24 and reasonable costs of the investigation and enforcement of this  
25 case; and,

26                  //

27                  //

1           4.    Taking such other and further action as the  
2 Division deems proper.

3           DATED:   December 5, 1995 .

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7           Ron Joseph  
8           Executive Director  
9           Medical Board of California  
10          Department of Consumer Affairs  
11          State of California

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27           Complainant

FILED  
STATE OF CALIFORNIA  
MEDICAL BOARD OF CALIFORNIA  
SACRAMENTO  
DEC 12 1995

1 DANIEL E. LUNGREN, Attorney General  
of the State of California  
2 GLORIA A. BARRIOS,  
Deputy Attorney General  
3 California Department of Justice  
300 South Spring Street, Suite 5212  
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Telephone: (213) 897-8854  
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6 Attorneys for Complainant

7 **BEFORE THE**  
8 **DIVISION OF MEDICAL QUALITY**  
9 **MEDICAL BOARD OF CALIFORNIA**  
10 **DEPARTMENT OF CONSUMER AFFAIRS**  
11 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation ) NO. 09-94-35531  
Against: )  
12 )  
13 **KEVIN GOHAR, M.D.,** ) **FIRST SUPPLEMENTAL**  
3650 East South Street ) **A C C U S A T I O N**  
Suite No. 101 )  
14 Lakewood, California 90712 )  
15 Physician and Surgeon Certificate )  
No. A42317, )  
16 Respondent. )  
17 \_\_\_\_\_ )

18  
19 The Complainant alleges:

20 **PARTIES**

- 21 1. Complainant, Ron Joseph, is the Executive Director  
22 of the Medical Board of California (hereinafter the "Board") and  
23 brings this accusation solely in his official capacity.
- 24 2. On or about December 2, 1985, Physician and  
25 Surgeon Certificate No. A42317 was issued by the Board to KEVIN  
26 GOHAR, M.D. (hereinafter "respondent"), and at all times relevant  
27 to the charges brought herein, this license has been in full

1 to the charges brought herein, this license has been in full  
2 force and effect. Unless renewed, it will expire on December 31,  
3 1997. Respondent is the supervisor of a physician assistant.  
4 His physician assistant supervisor license No. SA 14961 is  
5 delinquent having expired on February 28, 1995, for nonpayment of  
6 renewal fees.

7 3. On or about December 5, 1995, the Board issued an  
8 Accusation against respondent which this First Supplemental  
9 Accusation hereby incorporates and replaces. On or about  
10 December 14, 1995, respondent filed a Notice of Defense.

#### 11 JURISDICTION

12 4. This accusation is brought before the Division of  
13 Medical Quality of the Medical Board of California, Department of  
14 Consumer Affairs (hereinafter the "Division"), under the  
15 authority of the following sections of the California Business  
16 and Professions Code (hereinafter "Code"):

17 A. Section 2227 provides that the Board may revoke,  
18 suspend for a period not to exceed one year, or place on  
19 probation, the license of any licensee who has been found  
20 guilty under the Medical Practice Act.

21 B. Section 2234 which provides:

22 "The Division of Medical Quality shall take action  
23 against any licensee who is charged with unprofessional  
24 conduct. In addition to other provisions of this article,  
25 unprofessional conduct includes, but is not limited to, the  
26 following:

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2           "(a) Violating or attempting to violate, directly  
3 or indirectly, or assisting in or abetting the violation of,  
4 or conspiring to violate, any provision of this chapter.

5           "(b) Gross negligence.

6           "(c) Repeated negligent acts.

7           "(d) Incompetence.

8           "(e) The commission of any act involving  
9 dishonesty or corruption which is substantially related to  
10 qualifications, functions, or duties of a physician and  
11 surgeon."

12           C.    Section 125.3 provides, in part, that the Board  
13 may request the administrative law judge to direct any  
14 licensee found to have committed a violation or violations  
15 of the licensing act, to pay the Board a sum not to exceed  
16 the reasonable costs of the investigation and enforcement of  
17 the case.

18           E.    Section 16.01 of the 1997/98 Budget Act of the  
19 State of California provides, in pertinent part, that:

20               "(a) no funds appropriated by this act may be  
21 expended to pay any Medi-Cal claim for any service  
22 performed by a physician while that physician's license is  
23 under suspension or revocation due to a disciplinary action  
24 of the Medical Board of California; and

25               "(b) no funds appropriated by this act may be  
26 expended to pay any Medi-Cal claim for any surgical service  
27 or other invasive procedure performed on any Medical-Cal

1 beneficiary by a physician if that physician has been placed  
2 on probation due to a disciplinary action of the Medical  
3 Board of California related to the performance of that  
4 specific service or procedure on any patient, except in any  
5 case where the board makes a determination during its  
6 disciplinary process that there exist compelling  
7 circumstances that warrant continued Medi-Cal  
8 reimbursement during the probationary period."

9 **FIRST CAUSE OF ACTION**

10 (Unprofessional Conduct and Dishonest Acts)

11 5. Respondent KEVIN GOHAR, M.D., is subject to  
12 disciplinary action under section 2234, subdivisions (a) and (e)  
13 of the Business and Professions Code in that respondent  
14 misrepresented the fact that he had had his privileges suspended  
15 when he applied at Los Alamitos Medical Center. The  
16 circumstances are as follows:

17 A. On or about June 8, 1994, respondent signed an  
18 application for medical staff privileges and membership at  
19 Los Alamitos Medical Center.

20 B. Respondent responded "No" to the question:  
21 "Have your privileges at any healthcare facility ever been  
22 limited, suspended, diminished, denied, revoked, voluntarily  
23 relinquished or not renewed or otherwise acted against--or  
24 is any such action pending?"

25 C. Respondent's spine privileges had been terminated  
26 for a medical disciplinary cause at Long Beach Memorial  
27 Hospital (LBMH) on or about March 4, 1994.

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2 **SECOND CAUSE OF ACTION**

3 (Gross Negligence)

4 6. Respondent KEVIN GOHAR, M.D., is subject to  
5 disciplinary action under section 2234, subdivision (b) of the  
6 Business and Professions Code in that respondent was grossly  
7 negligent when he performed back surgery on a patient in a manner  
8 extremely below the standard of care. The circumstances are as  
9 follows:

10 A. PATIENT A.P.

11 1. On or about September 15, 1994, patient A.P.  
12 saw respondent, complaining of low back pain.

13 2. On or about October 4, 1994, respondent  
14 performed multiple laminectomies (removal of all or part of  
15 the bony arch of a spinal vertebra) and foraminotomies  
16 (enlargement of the intervertebral foramen) at L3-S1 with  
17 removal of bone grafts without complications on patient A.P.

18 3. The care, treatment and management of patient  
19 A.P. by respondent was well below the standard of care in  
20 that:

21 a). Respondent failed to recognize significant  
22 post operative problems.

23 1). Following surgery patient A.P. sustained  
24 a Gran Mal Seizure.

25 2). On or about October 6, 1994, patient  
26 A.P. developed a hematoma at the surgical site  
27 with loss of bowel and bladder control and partial

1                   paralysis of both legs.

2                   **THIRD CAUSE OF ACTION**

3                   (Repeated Negligent Acts)

4                   7.   Respondent KEVIN GOHAR, M.D., is subject to  
5 disciplinary action under section 2234, subdivision (c) of the  
6 Business and Professions Code in that respondent committed  
7 repeated negligent acts in the care, treatment, and management of  
8 patients A.P., B.M. and W.M. The circumstances are as follows:

9                   A.   Complainant hereby incorporates by reference  
10 paragraph 6A.

11                  B.   PATIENT B.M.

12                  1.   On or about October 1, 1990, respondent  
13 performed a laminectomy on patient B.M. at LBMH.

14                  2.   The care, treatment and management of patient  
15 B.M. was well below the standard of care in that:

16                  a).   Respondent failed to employ standard  
17 procedures to control bleeding.

18                  b).   Respondent caused patient B.M. to lose  
19 an excessive amounts of blood.

20                  c).   Respondent failed to visualize the pathology  
21 of a suspected nerve root tumor.

22                  d).   Respondent failed to perform a biopsy on a  
23 suspected nerve root tumor.

24                  C.   PATIENT W.M.

25                  1.   On or about April 7, 1992, respondent  
26 performed a laminectomy, a discectomy (excision, in  
27 part, or whole, of an intervertebral disk) at L4-5, and a



1 laminotomy (an operation on one or more vertebral  
2 laminae) partial facetectomy (excision of a facet or  
3 smooth area on a bone) and partial foramenectomy L5-S1  
4 on patient W.M. at the LBMH.

5 2. The care, treatment and management of patient  
6 B.M. was well below the standard of care in that:

7 a). Another physician needed to intervene in the  
8 surgery to be sure the disc extrusion was found and  
9 adequately decompressed.

10 b). Respondent failed to see the abnormality and  
11 remove it.

#### 12 **FOURTH CAUSE OF ACTION**

13 (Incompetence)

14 8. Respondent KEVIN GOHAR, M.D., is subject to  
15 disciplinary action under section 2234 (d) of the Business and  
16 Professions Code in that respondent performed spinal surgery on  
17 patient W.M. in a manner indicating his incompetence and a lack  
18 of knowledge. The circumstances are as follows:

19 A. Complainant hereby incorporates by reference  
20 paragraphs 7C.

#### 21 **PRAYER**

22 **WHEREFORE**, the complainant requests that a hearing be  
23 held on the matters herein alleged, and that following the  
24 hearing, the Division issue a decision:

25 1. Revoking or suspending Physician and Surgeon's  
26 Certificate Number A42317, heretofore issued to respondent KEVIN  
27 GOHAR, M.D.;

1           2.    Revoking, suspending or denying approval of the  
2 respondent's authority to supervise physician's assistants,  
3 pursuant to Business and Professions Code section 3527;

4           3.    Ordering respondent to pay the Division the actual  
5 and reasonable costs of the investigation and enforcement of this  
6 case, including probation monitoring if ordered; and,

7           4.    Taking such other and further action as the  
8 Division deems proper.

9           DATED:   October 21, 1997 .

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Ron Joseph  
Executive Director  
Medical Board of California  
Department of Consumer Affairs  
State of California  
  
Complainant